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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/761,447

01/16/2001

Andrew Rodney Ferlitsch

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07/06/2004

MARGER JOHNSON & MCCOLLOM PC
1030 SW MORRISON STREET
PORTLAND, OR 97205

EXAMINER

CARTER, TIA A

ART UNIT

PAPER NUMBER

2626

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/761,447

Applicant(s)

FERLITSCH ET AL.

Examiner

Tia A Carter

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3, 8</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-10 and 17 -19 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsumoto et al. (US. 6373598).

Regarding claim 1, Matsumoto et al. discloses a method of fax transmission across a network, the method comprising:

- A) activating a fax system of a user (fig. 5, col. 7, lines 28-31)
- B) activating a fax service, wherein the fax system establishes communication with the fax system establishes communication with the fax service across a network and transmits information about user to the fax service(fig. 5, col. 7, lines 31-43);
- C) participating in any fax transaction as desired by the user (fig. 5, col. 7, lines 44-45);
- D) deactivating the fax system, wherein the fax system and the fax service terminate communication (fig. 5, col. 7, lines 51-54).

Regarding claim 2, Matsumoto et al. discloses the method of claim 1 wherein participation in any fax transactions further comprises establishes peer-to-peer connections between service subscribers and the fax system (fig 4, col. 5, lines 51-56).

Regarding claim 3, Matsumoto et al. discloses the method of claim 1 wherein participation in any fax transaction further comprises interaction with the fax service for any transmission and any reception of faxes through the fax service (fig. 8, col. 10, lines 16-34).

Regarding claim 4, Matsumoto et al. discloses the method of claim 1, wherein activation of the fax system further comprises launching a software program on a computer of the user (fig. 5, col. 7, lines 44-49).

Regarding claim 5, Matsumoto et al. discloses the method of claim 1 wherein activation of the fax system further comprises launching a software program in firmware in a fax device (fig. 5, col. 7, lines 55-63).

Regarding claim 6, Matsumoto et al. discloses the method of claim 5 wherein in the fax device is one of the group comprised of: a computer (2), a fax system (1 and 9) and a modem (11) (fig. 1, col. 4, lines 3-9 and line 35).

Regarding claim 7, Matsumoto et al. discloses the method of claim 2 wherein the computer is one of the group comprised of: a personal computer with a modem (fig. 4, col. 4, lines 23-26), a telephone (see fig. 1), a server, a network, and wireless network device.

Regarding claim 8, Matsumoto et al. discloses the method of claim 1 wherein activating a fax service includes connecting the fax system to the network (fig. 5, col. 7, lines 29-43).

Regarding claim 9, Matsumoto et al. discloses the method of claim 1 wherein deactivating the fax system further comprises terminating communication with the fax system across the network (fig. 5, col. 7, lines 51-54).

Regarding claim 10, Matsumoto et al. discloses the method of claim 1 wherein deactivating the fax system further comprises terminating a network connection between the fax system and the network (fig. 5, col. 7, lines 51-54).

Regarding claim 17, Matsumoto et al. discloses the a computer-readable medium including software code that (fig. 2, col. 4, lines 46-50), when executed, results in:

- a) activation of a fax system on a computer (fig. 5, col. 7, lines 28-31);
- b) interaction between a user and the fax system (fig. 5, col. 7, lines 34-45);

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- c) connection between the fax system and fax service across a network (fig. 5, col. 7, lines 29-33; and
- d) participation of the fax system in fax transactions utilizing the fax service (fig. 5, col. 7, lines 44-45).

Regarding claim 18, Matsumoto et al. discloses the medium of claim 17, wherein utilization of the fax service further comprising using the fax service to locate users with whom transaction are desired (fig. 1, col. 4, lines 55-67 and col. 5, lines 1-10).

Regarding claim 19, Matsumoto et al. discloses the medium of claim 17, wherein utilization of the fax service further comprises reception and transmission of any faxes through the fax service (fig. 2, col. 5, lines 51-56).

3. Claims 11-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Bloomfield (US. 6025931).

Regarding claim 11, Bloomfield discloses a method of sending faxes across a network, the method comprising:

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- a) issuing a send command about a fax recipient (fig. 9b, col. 16, lines 30-33);
- b) collecting information about a fax recipient (fig. 9b, col. 16, lines 33-39);
- c) determining if the recipient is registered with the fax service, wherein an alternative method to the fax service is used if the recipient is not registered (9b, col. 16, lines 39-59);
- d) if the recipient is registered, determining if the recipient is active, wherein the fax is sent directly to the recipient if the recipient is active (fig. 2, col. 6, lines 47-67) ;
- e) if the recipient is not active, determining a preferred delivery method for the recipient (fig. 11a, col. 17, lines 1-16); and
- f) sending the fax by preferred delivery method (fig. 11a, col. 18, lines 41-56).

Regarding claim 12, Bloomfield discloses the method of claim 11, wherein the alternative method further comprises:

- a) determining if a fax service local to the recipient exists (fig. 2, col. 6, lines 47-62); and
- b) delivering the fax through the public switched telephone network, wherein the fax is delivered by a local call if a fax service local to the recipient exist (fig. 2, col. 6, lines 62-67).

Regarding claim 13, Bloomfield discloses the method of claim 11, wherein the preferred delivery method is delivery by telephone and the fax is sent through the public switched telephone network (fig. 1, col. 4, lines 1-31).

Regarding claim 14, Bloomfield discloses the method claim 11, wherein the preferred delivery method is delivery by e-mail and the fax converted into an attachable format and sent by e-mail (fig. 2, col. 6, lines 63-67 and col. 7, lines 1-7).

Regarding claim 15, Bloomfield discloses the method of claim 11, wherein the preferred delivery method is delivery by store forward and fax is transferred to the fax service and held until the recipient becomes active and then delivered (fig. 9a, col. 14, lines 24-56).

Regarding claim 16, Bloomfield discloses the method of claim 11, wherein the preferred delivery method is to have the recipient reconnect to the network to receive the fax and the method to reconnect comprises:

- a) establishing a second connection between the fax system and a fax number of the recipient through the public switched telephone network (fig. 11a-c, col. 17 lines 27-53);
- b) transmitting a connect message through the second connection from the fax system to the fax number of the recipient (fig. 11, col. 18 lines 41-56)
- c) disconnecting from the second connection upon connection of the recipient fax system to the fax service through network (fig. 11, col. 18, lines 57-67).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bhogal et al. (US. 6594351), Miller et al. (US. 6356356 and Kisno (US. 6614548) are cited to show related art with respect to facsimile transmission and reception.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tia A Carter whose telephone number is 703 - 306-5433. The examiner can normally be reached on M-F (7:00-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams can be reached on 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tia A Carter

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TAC

June 26, 2004

Examiner

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KA Williams
KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER